

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KIMBERLY EDWARDS

PLAINTIFF

v.

CIVIL ACTION NO. 3:18-cv-61-DCB-MTP

C SPIRE

DEFENDANT

REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Plaintiff's Motion for Leave to Proceed *in forma pauperis* [2] and on Plaintiff's failure to comply with the Court's Orders [4] [5]. On March 20, 2018, the Court found that Plaintiff's Motion [2] requires clarification and directed Plaintiff to file a completed long form application to proceed *in forma pauperis* and provide additional financial information¹ on or before April 3, 2018. *See* Order [4]. The Court warned Plaintiff that her failure to submit the completed form could result in the denial of her Motion [2]. *Id.* Plaintiff failed to submit a completed long form application, or otherwise provide additional financial information.

Thus, on April 16, 2018, the Court entered an Order [5] directing Plaintiff to show cause on before April 23, 2018, why her Motion [2] should not be denied and why this action should not be dismissed for her failure to comply with the Court's Order [4]. Additionally, the Court directed Plaintiff to file a completed long form *ifp* application by April 23, 2018, and warned Plaintiff that her failure to comply with the Order [5] may result in the denial of her Motion [2] and the dismissal of this action.

¹ Because Plaintiff asserted that she has no income, no assets, and no expenses, the Court directed Plaintiff to clarify the means supporting her and her dependent's existence, including their shelter, food, and other needs.

To date, Plaintiff has failed to file a response to the show cause order or provide any additional financial information. Without additional information, Plaintiff's financial status cannot be fairly evaluated and considered.

RECOMMENDATION

Based on the foregoing, the undersigned recommends that:

1. Plaintiff's Motion for Leave to Proceed *in forma pauperis* [2] be DENIED,
2. Plaintiff be given ten (10) days to pay all of the costs associated with the filing of this lawsuit, and
3. Should Plaintiff fail to pay all of the costs associated with the filing of this lawsuit, this matter be dismissed without prejudice and without further notice.

NOTICE OF RIGHT TO OBJECT

In accordance with the rules, any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the Judge, the Magistrate Judge and the opposing party. The District Judge at the time may accept, reject, or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS the 2nd day of May, 2018.

s/ Michael T. Parker
United States Magistrate Judge